

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

KA'SANDRA NELSON, et al.,

Plaintiffs,

V.

SMITH COUNTY, et al.,

Defendants.

Case No. 6:21-cv-411-JDK-JDL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Ka'Sandra Nelson, proceeding pro se and on behalf of her son, Hubert Lake, Jr., a former Smith County Jail inmate, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love for findings of fact, conclusions of law, and recommendations for disposition.

On September 28, 2022, Judge Love issued a Report recommending that the Court dismiss this case without prejudice. Docket No. 41. Specifically, Judge Love found that Nelson cannot proceed pro se in this action on behalf of her son. Nelson filed an objection on October 17, 2022. Docket No. 42.


Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other*

grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

The undersigned agrees with the Magistrate Judge that Ms. Nelson cannot proceed pro se with this § 1983 action on behalf of her son. *See Dobbs v. Warden*, No. 21-10657, 2022 WL 4244283, at *2 (5th Cir. Sept. 15, 2022). To the extent Ms. Nelson contends that she is bringing claims on behalf of herself, those claims are not alleged and are not before the Court.

Having conducted a de novo review of the record in this case and the Magistrate Judge's Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 41) as the opinion of the District Court. Plaintiff's claims are **DISMISSED** without prejudice. This dismissal without prejudice does not foreclose a subsequent suit filed by an attorney.

So **ORDERED** and **SIGNED** this **19th** day of **October, 2022**.


JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE